

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-6 are pending in this application. In the Office Action, the Examiner rejected the pending claims as follows. Claims 1 and 5 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner alleged that the term “type” is not defined by the claim, that the specification does not provide a standard for ascertaining the requisite degree, and that one of ordinary skill in the art would not be reasonably apprized of the scope of the invention.

For purposes of examination, the Examiner stated that “the term type is understood to be two audio devices capable of being connected to the apparatus.” In view of the Examiner’s stated understanding, Claims 1 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,359,987 (“Tran et al.”) in view of U.S. Patent No. 6,449,371 (“Tan et al.”); and Claims 2, 3, 4 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tran in view of Tan and further in view of U.S. Patent No. 4,410,890 (“Davis et al.”).

Claims 1, 2, 5 and 6 have been amended. No new subject matter has been presented.

It is believed that amendments to Claims 1 and 5 overcome the rejection under 35 U.S.C. §112, second paragraph. Specifically, Claims 1 and 5 have been amended to include subject matter originally presented in dependent Claims 2 and 6.

In regard to the rejections under 35 U.S.C. §103(a), amended Claims 1 and 5 also overcome the stated rejections for the following reasons.

Claims 1 and 5 are the pending independent claims. Amended Claim 1 specifies that *the sense signal is generated at the ear jack*. As explained at page 6, lines 4-6 and as shown in FIG. 2

of the specification, the present invention provides an ear jack that senses, at the ear jack, *whether the connected audio output device is an earphone or an external speaker*. This direct sensing is performed by providing that ear jack with at least two nodes for connecting either the earphone or the external speaker.

Tran et al., which the Examiner cited in combination with other references as allegedly rendering the present invention unpatentable, determines whether connected speakers are self-powered or passively driven by detecting an impedance level of the connected speakers. See, FIG. 4, item 154 and Col. 7, lines 25-31. In contrast, the invention of the pending claims utilizes a uniquely configured ear jack that can directly sense and generate, at the ear jack, a sensing signal, thereby eliminating the need to determine the impedance level of the attached speakers, as required in Tran et al. (FIG. 4, step 150).

Without conceding the patentability *per se* of the dependent claims, it is believed that Claims 2, 3, 4 and 6 are patentable for at least the above reasons.

Accordingly, the pending claims, i.e. Claims 1-6, are believed to be in condition for allowance, and issuance of a notice of allowance is respectfully requested. If the Examiner has any questions regarding this communication, the Examiner is requested to contact the undersigned.

Respectfully submitted,



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